Executive Summary – Enforcement Matter – Case No. 44981 Whitharral Water and Sewer Service Supply Corporation RN102329695

Docket No. 2012-1869-MWD-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

Whitharral Water Sewer Service Supply WWTP, located approximately 2,400 feet east of U.S. Highway 385 and 2,400 feet south of First Street, Whitharral, Hockley County

Type of Operation:

Wastewater treatment plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: July 4, 2014

Comments Received: No

Penalty Information

Total Penalty Assessed: \$19,795

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$16,195

Total Paid to General Revenue: \$100 Total Due to General Revenue: \$3,500

Payment Plan: 35 payments of \$100 each

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Average Site/RN - Average

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002 and September 2011

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: October 4, 2011 and May 9, 2012

Date(s) of NOE(s): May 16, 2012

Executive Summary – Enforcement Matter – Case No. 44981 Whitharral Water and Sewer Service Supply Corporation RN102329695 Docket No. 2012-1869-MWD-E

Violation Information

- 1. Failed to maintain adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures [30 Tex. ADMIN. CODE § 305.125(5) and TCEQ Permit No. WQ0014942001, Operational Requirements No. 4].
- 2. Failed to provide and maintain an adequate irrigation system which includes adequate equipment to determine the application rate and appropriate cover crops to prevent ponding of effluent or to prevent contamination of ground and surface waters. Specifically, no irrigation system is in place for the Facility and a cover crop has not been planted and maintained [30 Tex. ADMIN. Code § 305.125(1) and TCEQ Permit No. WQ0014942001, Special Provisions Nos. 6 and 7].
- 3. Failed to provide certification by a Texas Licensed Professional Engineer that the pond liner meets the appropriate criteria within 45 days of permit issuance. Specifically, the liner certifications for the two existing storage ponds and the facultative lagoon were not submitted to the TCEQ within 45 days of permit issuance [30 Tex. ADMIN. CODE § 305.125(1) and (5) and TCEQ Permit No. WQ0014942001, Special Provisions No. 18].
- 4. Failed to submit a summary submittal letter within 60 days of the permit issuance. Specifically, TCEQ Permit No. WQ0014942001 was issued on February 2, 2010, and the letter was due by April 3, 2010 [30 Tex. Admin. Code § 305.125(1) and TCEQ Permit No. WQ0014942001, Special Provisions No. 4].
- 5. Failed to provide an intruder-resistant fence surrounding the wastewater treatment ponds. Specifically, the chain-link fence is not topped with three strands of barbed-wire and does not meet the requirements of an intruder-resistant fence [30 Tex. Admin. Code § 217.328(c)(2)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

By March 18, 2013, the Respondent installed an intruder-resistant fence at the Facility.

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days, submit the summary submittal letter to the TCEQ Wastewater Permitting Section.
- b. Within 45 days, submit certification of compliance with Ordering Provision a.

Executive Summary – Enforcement Matter – Case No. 44981 Whitharral Water and Sewer Service Supply Corporation RN102329695 Docket No. 2012-1869-MWD-E

c. Within 60 days:

- i. Install equipment to determine the application rate of effluent applied to the land application area and install permanent transmission lines;
- ii. Establish and maintain an appropriate cover crop throughout the land application area; and
- iii. Begin maintaining accurate records of the volume of effluent applied to the land application area.
- d. Within 75 days, submit certification of compliance with Ordering Provisions c.i through c.iii.
- e. Within 90 days:
- i. Provide adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures;
- ii. Submit liner certifications from a Texas Licensed Professional Engineer for the two existing storage ponds and the facultative lagoon; or
- iii. If liner certifications from a Texas Licensed Professional Engineer cannot be provided, implement TCEQ Permit No. WQ0014942001, Special Provisions No. 19, Alternative I or Alternative II.
- f. Within 105 days, submit certification of compliance with Ordering Provisions e.i. through e.iii.

Litigation Information

Date Petition(s) Filed: N/A Date Answer(s) Filed: N/A SOAH Referral Date: N/A Hearing Date(s): N/A Settlement Date: N/A

Executive Summary – Enforcement Matter – Case No. 44981 Whitharral Water and Sewer Service Supply Corporation RN102329695 Docket No. 2012-1869-MWD-E

Contact Information

TCEQ Attorney: N/A

TCEO Enforcement Coordinator: Heather Brister, Enforcement Division,

Enforcement Team 1, MC R-09, (254) 761-3034; Candy Garrett, Enforcement Division,

MC 219, (512) 239-1456

TCEQ SEP Coordinator: N/A

Respondent: John Dukatnik, President, Whitharral Water and Sewer Service Supply

Corporation, P.O. Box 85, Whitharral, Texas 79380

Respondent's Attorney: N/A

Penalty Calculation Worksheet (PCW) Policy Revision 3 (September 2011) PCW Revision August 3, 2011 Assigned 15-Aug-2012 PCW 18-Mar-2013 Screening 24-Aug-2012 **EPA Due** RESPONDENT/FACILITY INFORMATION Respondent Whitharral Water and Sewer Service Supply Corporation Reg. Ent. Ref. No. RN102329695 Facility/Site Region 2-Lubbock Major/Minor Source Minor **CASE INFORMATION** Enf./Case ID No. 44981 No. of Violations 1 Docket No. 2012-1869-MWD-E Order Type 1660 Media Program(s) Water Quality Government/Non-Profit Yes Multi-Media Enf. Coordinator Heather Brister EC's Team Enforcement Team 1 Admin. Penalty \$ Limit Minimum \$0 Maximum \$25,000 Penalty Calculation Section TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 \$2,500 ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. **Compliance History** 7.0% Enhancement Subtotals 2, 3, & 7 \$175 Enhancement for one NOV with same/similar violations and one NOV for Notes dissimilar violations. 0.0% Enhancement Culpability No Subtotal 4 \$0 The Respondent does not meet the culpability criteria. Notes **Good Faith Effort to Comply Total Adjustments** Subtotal 5 \$0 **Economic Benefit** Subtotal 6 \$0 0.0% Enhancement* Total EB Amounts \$73 *Capped at the Total EB \$ Amount Approx. Cost of Compliance SUM OF SUBTOTALS 1-7 Final Subtotal \$2,675 OTHER FACTORS AS JUSTICE MAY REQUIRE 0.0% Adjustment \$0 Reduces or enhances the Final Subtotal by the indicated percentage. Notes Final Penalty Amount \$2,675 STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty \$2,675 20.0% Reduction Adjustment -\$535 Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Deferral offered for expedited settlement.

\$2,140

Notes

PAYABLE PENALTY

PCW

Respondent Whitharral Water and Sewer Service Supply Corpo

Case ID No. 44981

Reg. Ent. Reference No. RN102329695

Media [Statute] Water Quality Enf. Coordinator Heather Brister

Policy Revision 3 (September 2011) PCW Revision August 3, 2011

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2) Component Number of... Enter Number Here Adjust. Written notices of violation ("NOVs") with same or similar violations as those in 1 5% the current enforcement action (number of NOVs meeting criteria) **NOVs** Other written NOVs 1 2% Any agreed final enforcement orders containing a denial of liability (number of 0 0% orders meeting criteria) Orders Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal 0% O government, or any final prohibitory emergency orders issued by the commission Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements 0 0% Judgments or consent decrees meeting criteria) and Consent Any adjudicated final court judgments and default judgments, or non-adjudicated Decrees final court judgments or consent decrees without a denial of liability, of this state 0% n or the federal government Any criminal convictions of this state or the federal government (number of Convictions 0 0% counts) Chronic excessive emissions events (number of events) 0 0% **Emissions** Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 0 0% 1995 (number of audits for which notices were submitted) Audits Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations 0 0% were disclosed) Please Enter Yes or No Environmental management systems in place for one year or more No 0%

Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
Other	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 7%

>> Repeat Violator (Subtotal 3) 0%

No Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Summary

Enhancement for one NOV with same/similar violations and one NOV for dissimilar violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 7%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 7%

Scre	ening Date	24-Aug-2012 Docket No. 2012-1869-MWD-	E PCW
		Whitharral Water and Sewer Service Supply Corporation	Policy Revision 3 (September 2011)
1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	Case ID No.		PCW Revision August 3, 2011
Reg. Ent. Re	rerence no. ia [Statute]		
		Heather Brister	
	ation Number	1	
	Rule Cite(s)	30 Tex. Admin. Code § 217.328(c)(2)	
Violatio	on Description	Failed to provide an intruder-resistant fence surrounding the wastewate ponds, as documented during a record review conducted on May 9 Specifically, the chain-link fence is not topped with three strands of be and does not meet the requirements of an intruder-resistant fe), 2012. arbed-wire
		Ва	ase Penalty \$25,000
>> Environme	ntal, Propei	ty and Human Health Matrix	
		Harm	5000.
OR	Release Actual	Major Moderate Minor	
V .	Potential	x Percent 5.0%	6
			_
>>Programma			
	Falsification	Major Moderate Minor Percent 0.0%	a
	L	Percent 0.07	의
Matrix	As a result	of this violation, human health or the environment could be exposed to s	significant
Notes	100.000	amounts of pollutants which would not exceed protective levels.	
	L		
		Adjustment	\$23,750

			\$1,250
Violation Even	ts		
	Number of \	fiolation Events 2 107 Number of violation	n days
	mark only one with an x	daily weekly monthly quarterly semiannual annual single event	se Penalty \$2,500
	Two quart	erly events are recommended from the record review date (May 9, 2012) to the
		screening date (August 24, 2012).	
0 15 N 50			40
Good Faith Eff	orts to Com	Diy 0.0% Reduction Before NOV NOV to EDPRP/Settlement Offer	\$0
		Extraordinary	
		Ordinary	
		N/A x (mark with x)	and the same of th
		The Respondent does not meet the good faith criteria for this violation.	
		Violatio	on Subtotal \$2,500
Economic Bene	fit (EB) for		
		ed EB Amount \$73 Violation Final Per	
	J.111114U		
		This violation Final Assessed Penalty (adjusted	for limits) \$2,675

	E (conomic	Reneut	MO	rksneet		
Respondent Case ID No.		ter and Sewer Sei	rvice Supply Co	rporati	on	ntuwen, sking in navynski par Jiban sinahii	
그것, 그 그 그 그 그리고 생산했다. 그 그 그 그를 느를 하는 주변하게 공장하다	Water Quality					Percent Interest	Years of Depreciation
Violation No.	. I Ekster adhiringsandes	ioroje Johnson kajos	aaskiikala Loodii	darete		5.0	
		Date Required	Final Date		Tatavart Cayad	Onetime Costs	EB Amount
Item Description		Date Required	rinai pate		linerest saveu	Onethine Costs	LD Allouit
atem Description	NO COMMISSION \$			gigi estant, a			
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	ava .	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	nya	\$0
Permit Costs Other (as needed)	\$1.000	4-Oct-2011	18-Mar-2013	1.45	\$73	n/a	\$73
Other (as needed) Notes for DELAYED costs	Estimated cos	t to install an intr was first	uder resistant f documented.	1.45 fence a Final d	\$73 t the Facility. Dat ate is the date of o	n/a e required is the date compliance.	\$73 e the violation
Other (as needed) Notes for DELAYED costs Avoided Costs	Estimated cos	t to install an intr was first	uder resistant f documented.	1,45 fence a Final d	\$73 t the Facility. Dat ate is the date of	n/a e required is the date compliance. for one-time avoid	\$73 e the violation ed costs)
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal	Estimated cos	t to install an intr was first	uder resistant f documented.	1.45 fence a Final dentering 0.00	\$73 t the Facility. Dat ate is the date of o	n/a e required is the date compliance. for one-time avoid \$0	\$73 e the violation ed costs)
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	Estimated cos	t to install an intr was first	uder resistant f documented.	fence a Final d enterin 0.00 0.00	\$73 t the Facility. Dat ate is the date of or the date of the	e required is the date compliance. for one-time avoid \$0 \$0 \$0	\$73 e the violation ed costs) \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling	Estimated cos	t to install an intr was first	uder resistant f documented.	ence a Final d enterin 0.00 0.00 0.00	\$73 t the Facility. Dat ate is the date of or the	e required is the date compliance. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0	\$73 e the violation ed costs) \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment	Estimated cos	t to install an intr was first	uder resistant f documented.	ence a Final d enterir 0.00 0.00 0.00 0.00	\$73 t the Facility. Dat ate is the date of one of the facility is a second of the facility in the facility in the facility is a second of the facility in the	e required is the date compliance. for one-time avoid \$0 \$0 \$0 \$0 \$0	\$73 e the violation ed costs) \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated cos	t to install an intr was first	uder resistant f documented.	ence a Final d enterir 0.00 0.00 0.00 0.00 0.00	\$73 t the Facility. Dat ate is the date of or some some some some some some some some	e required is the date compliance. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$73 e the violation ed costs) \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated cos	t to install an intr was first	uder resistant f documented.	ence a Final d enterir 0.00 0.00 0.00 0.00 0.00 0.00	t the Facility. Dat ate is the date of or 	e required is the date compliance. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$73 e the violation ed costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel respection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated cos	t to install an intr was first	uder resistant f documented.	ence a Final d enterir 0.00 0.00 0.00 0.00 0.00	\$73 t the Facility. Dat ate is the date of or some some some some some some some some	e required is the date compliance. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$73 e the violation ed costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0

Penalty Calculation Worksheet (PCW) Policy Revision 2 (September 2002) PCW Revision October 30, 2008 Assigned 15-Aug-2012 PCW 14-Sep-2012 Screening 24-Aug-2012 **EPA Due** RESPONDENT/FACILITY INFORMATION Respondent Whitharral Water and Sewer Service Supply Corporation Reg. Ent. Ref. No. RN102329695 Facility/Site Region 2-Lubbock Major/Minor Source Minor **CASE INFORMATION** Enf./Case ID No. 44981 No. of Violations 4 Docket No. 2012-1869-MWD-E Order Type 1660 Government/Non-Profit Yes Media Program(s) Water Quality Multi-Media Enf. Coordinator Heather Brister EC's Team Enforcement Team 1 \$0 Maximum Admin. Penalty \$ Limit Minimum \$10,000 Penalty Calculation Section TOTAL BASE PENALTY (Sum of violation base penalties) \$16,000 Subtotal 1 ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. **Compliance History** 7.0% Enhancement Subtotals 2, 3, & 7 \$1,120 Enhancement for one NOV with same/similar violations and one NOV for Notes dissimilar violations. 0.0% Enhancement Culpability Subtotal 4 \$0 No The Respondent does not meet the culpability criteria. Notes Good Faith Effort to Comply Total Adjustments Subtotal 5 \$0 \$0 Subtotal 6 **Economic Benefit** 0.0% Enhancement* Total EB Amounts \$6,520 *Capped at the Total EB \$ Amount Approx. Cost of Compliance \$28,100 SUM OF SUBTOTALS 1-7 Final Subtotal \$17,120 \$0 OTHER FACTORS AS JUSTICE MAY REQUIRE 0.0% Adjustment Reduces or enhances the Final Subtotal by the indicated percentage. Notes Final Penalty Amount \$17,120 STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty \$17,120 20.0% Reduction Adjustment -\$3,424 Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Deferral offered for expedited settlement.

\$13,696

Notes

PAYABLE PENALTY

Respondent Whitharral Water and Sewer Service Supply Corporation

Case ID No. 44981

Reg. Ent. Reference No. RN102329695

Media [Statute] Water Quality Enf. Coordinator Heather Brister Policy Revision 2 (September 2002) PCW Revision October 30, 2008

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%
	Other written NOVs	1	2%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission		0%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	B	0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	B	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	1	0%
Addits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	ł .	0%

	Ple	ase Enter Yes or No	
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
01	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) >> Repeat Violator (Subtotal 3) Adjustment Percentage (Subtotal 3) >> Compliance History Person Classification (Subtotal 7) Average Performer Adjustment Percentage (Subtotal 7) >> Compliance History Summary Compliance Enhancement for one NOV with same/similar violations and one NOV for dissimilar violations. History **Notes** Total Adjustment Percentage (Subtotals 2, 3, & 7)

- E91	Scre	ening Date	24-Aug-2012 Docket No. 2012-1869-MWD-E	PCW
	F	tespondent	Whitharral Water and Sewer Service Supply Corporation	Policy Revision 2 (September 2002)
-		Case ID No.		PCW Revision October 30, 2008
Reg.		erence No.		**************************************
		a [Statute]	water Quanty Heather Brister	Canada
		ation Number	1	and the second s
		Rule Cite(s)	30 Tex. Admin. Code § 305.125(5) and Texas Commission on Environ	mental
		Ruie Cite(s)	Quality ("TCEQ") Permit No. WQ0014942001, Operational Requirement	
			Particular and the second seco	
	Violatio	n Description	Failed to maintain adequate safeguards to prevent the discharge of untrinadequately treated wastes during electrical power failures, as document	
			a record review conducted on May 9, 2012.	
				and the same of th
		ļ		
			Base	e Penalty \$10,000
>> Env	rironme	ntal. Proper	ty and Human Health Matrix	
			Harm	
OR		Release	Major Moderate Minor	
UR		Actual Potential	x Percent 25%	
		rocential		
>>Prog	gramma	tic Matrix		
	ı	Falsification	Major Moderate Minor	
			Percent 0%	
	Matrix	ž .	or the environment will or could be exposed to pollutants which would exc	II :
	Notes	triat are pro	tective of human health and environmental receptors as a result of the vie	Madoli.
				+7.500
			Adjustment	\$7,500
				\$2,500
Vialatia	on Event	-		
Violatic	W FAGUR			
		Number of V	iolation Events 4 107 Number of violation	days
		•	Author Committee	
			daily weekly	TO CONTRACT OF THE PARTY OF THE
			monthly x	
		mark only one with an x	quarterly Violation Base	Penalty \$10,000
			semiannual	· · · · · · · · · · · · · · · · · · ·
			annual single event	reconstance
		!		VOOR
		Four monthly	events are recommended from the date of the record review (May 9, 201	2) to the
		, , , , , , , , , , , , , , , , , , , ,	date of screening (August 24, 2012).	
	1	L		
Good F	aith Effc	irts to Comp	ly 0.0% Reduction	\$0
			Before NOV NOV to EDPRP/Settlement Offer	
			Extraordinary	POLITICAL DE LA CONTRACTION DE
			Ordinary N/A x (mark with x)	10A a VIII AA
				ren aven av
			Notes The Respondent does not meet the good faith criteria for this violation.	PROFITATION AND ADDRESS OF THE ADDRE
			this violation.	
			Violation	Subtotal \$10,000
			Aloiation	\$10,000
Econon	nic Bene	fit (EB) for	this violation Statutory Limit	Test
		Fetimate	d EB Amount \$3,492 Violation Final Pena	ity Totai \$10,700
		Latiniate		
			This violation Final Assessed Penalty (adjusted fo	or limits) \$10,700

Case ID No.		ter and Sewer Se	rvice Supply Co	rporati	on		
tea. Ent. Reference No.	14						
	Water Quality						Years of
Violation No.	· ·					Percent Interest	Depreciation
		Bereit derrichten bei				5.0	15
	Item Cost	Date Required	Final Date	V	Interest Sayed	Onetime Costs	EB Amount
<u> </u>		성상으로 이 경기를 하는 하셨다.	I mai Date	713	Interest Saveu	Viietinie Costs	
Item Description	No commas or \$						
	andanan Senat, Wander	SSIGSERT REFERENCISES DAS	BERLESSEE BERLESSEE	ELINARA.	211398114414147497988578811	NAMES CONTRACTOR SERVICES	latabandan sar
Delayed Costs Equipment	\$15,000	2-Feb-2010	31-May-2013	3.33	\$166	\$3.326	\$3,492
Equipment Buildings	313,000	Z-1-ED-2010	21-M9A-5012	0.00	\$100	\$3,320	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0 \$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	rva .	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
	electrical pov	wer failures. Date	•	date t	•	ied and final date is	the expected
Notes for DELAYED costs	ANNUAL	IZE [1] avoided	*****		mpliance.	for one-time avoid	•
Avoided Costs	ANNUAL	[ZE [1] avoided	*****	nteri	ng item (except	for one-time avoid	led costs)
ti. ' i si	ANNUAL	IZE [1] avoided	*****		•	for one-time avoid \$0 \$0	•
Avoided Costs Disposal Personnel	ANNUAL	IZE [1] avoided	*****	nterii 0.00	ng Item (except	\$0	ied costs) \$0
Avoided Costs Disposal Personnel	ANNUAL	IZE [1] avoided	*****	0.00 0.00	so \$0 \$0	\$0 \$0	### (### #############################
Avoided Costs Disposal Personnel spection/Reporting/Sampling	ANNUAL	IZE [1] avoided	*****	0.00 0.00 0.00	ng Item (except \$0 \$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment	ANNUAL	IZE [1] avoided	*****	0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	ANNUAL	IZE [1] avoided	*****	0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	ANNUAL	IZE [1] avoided	*****	0.00 0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0

4 Control of the cont		24-Aug-2012			10. 2012-1869-MWD-E		PCW
	Respondent	Whitharral Wate	er and Sewer !	Service Supply Corpo	oration	Policy Revision	on 2 (September 2002)
	Case ID No.					PCW Rev	rision October 30, 2008
Reg. Ent. Re							
	ia [Statute]						
	7 (8) 7 (8) (1) (1) (1)	Heather Brister					
Viol	ation Number	ł					
	Rule Cite(s)	30 Tex. Admir	1. Code § 305.	• •	rmit No. WQ0014942001	, Special	
		<u></u>		Provisions Nos. 6 au			
				•	rigation system which inc	- 11	
			•		n rate and appropriate co tamination of ground and	. 11	
Violatio	on Description				w conducted on May 9, 2		
		a ,			e Facility and a cover cro		
		.,,,,,,		en planted and main			
		L					
					Bas	e Penalty	\$10,000
AND THE RESIDENCE OF THE PARTY						_	
>> Environme	ntal, Proper	ty and Hum		Matrix			
	D alasas	Marian	Harm	Minor			
or	Release Actual	Name and Address of the Owner, where the Owner, which is the Owner, where the Owner, which is the Owner, where the Owner, which is the Owner, wh	Moderate	Minor			Table 1
VN	Potential	<u></u>			Percent 10%		
	Foteritial	<u> </u>	xi		reicent 1070		V-0-0-0-0-0-0-0-0-0-0-0-0-0-0-0-0-0-0-0
>>Programma	tic Matrix						
G	Falsification	Major	Moderate	Minor			***************************************
					Percent 0%		200
							an action
	Human hea	ith or the enviro	nment will or	could be exposed to	significant amounts of po	llutants	
Matrix					th or environmental rece		-
Notes			result	of the violation.			
					Adjustment	\$9,000	
						-	+1 000
						i_	\$1,000
Violation Even	te						***************************************
	Number of \	Violation Events	2	107	Number of violation	days	
		e				,	
]	dally					277
		weekly					
	mark anhi ana	monthly					
	mark only one with an x	quarterly	X			_	7
		semiannual			Violation Base	e Penalty	\$2,000
		Schilleringer,			Violation Base	e Penalty	\$2,000
		annual			Violation Base	e Penalty	\$2,000
					Violation Bas	e Penalty	\$2,000
THE PROPERTY OF THE PROPERTY O		annual			Violation Bas	e Penalty	\$2,000
TRANSPORT TRANSPORT TRANSPORT	Two quart	annual single event	recommended	from the record revi	Violation Base		\$2,000
	Two quart	annual single event		from the record revi	iew date (May 9, 2012) t		\$2,000
	Two quart	annual single event			iew date (May 9, 2012) t		\$2,000
Good Faith Eff		annual single event terly events are	screening da	ate (August 24, 2012	iew date (May 9, 2012) t		
Good Faith Effe		annual single event terly events are	screening da	ete (August 24, 2012 Reduction	iew date (May 9, 2012) t !).		\$2,000 \$0
Good Faith Effe		annual single event terly events are	screening da	ate (August 24, 2012	iew date (May 9, 2012) t !).		
Good Faith Effe		annual single event eterly events are	screening da	ete (August 24, 2012 Reduction	iew date (May 9, 2012) t !).		
Good Faith Effe		annual single event terly events are ply Extraordinary Ordinary	O.0% Before NOV	ate (August 24, 2012 Reduction NOV to EDPRP/Settlement	iew date (May 9, 2012) t !).		
Good Faith Effe		annual single event eterly events are	0.0% Before NOV	Reduction NOV to EDPRP/Settlement	iew date (May 9, 2012) t		
Good Faith Effe		annual single event terly events are ply Extraordinary Ordinary N/A	0.0% Before NOV	Reduction NOV to EDPRP/Settlement (mark with x) ent does not meet the	iew date (May 9, 2012) t t). t Offer e good faith criteria for		
Good Faith Effe		annual single event terly events are ply Extraordinary Ordinary	0.0% Before NOV	Reduction NOV to EDPRP/Settlement	iew date (May 9, 2012) t t). t Offer e good faith criteria for		
Good Faith Effe		annual single event terly events are ply Extraordinary Ordinary N/A	0.0% Before NOV	Reduction NOV to EDPRP/Settlement (mark with x) ent does not meet the	iew date (May 9, 2012) t t). t Offer e good faith criteria for		
Good Faith Effe		annual single event terly events are ply Extraordinary Ordinary N/A	0.0% Before NOV	Reduction NOV to EDPRP/Settlement (mark with x) ent does not meet the	iew date (May 9, 2012) t t). t Offer e good faith criteria for	o the	
	orts to Com	annual single event terly events are ply Extraordinary Ordinary N/A Notes	O.0% Before NOV X The Responde	Reduction NOV to EDPRP/Settlement (mark with x) ent does not meet the	iew date (May 9, 2012) t t). t Offer e good faith criteria for	o the	\$0
Good Faith Effe	orts to Com	annual single event terly events are ply Extraordinary Ordinary N/A Notes	O.0% Before NOV X The Responde	Reduction NOV to EDPRP/Settlement (mark with x) ent does not meet the	e good faith criteria for	o the	\$0
	orts to Com	annual single event terly events are Extraordinary Ordinary N/A Notes	O.0% Before NOV X The Responde	Reduction NOV to EDPRP/Settlement (mark with x) ent does not meet the this violation	e good faith criteria for i. Violation	o the Subtotal	\$2,000
	orts to Com	annual single event terly events are ply Extraordinary Ordinary N/A Notes	O.0% Before NOV X The Responde	Reduction NOV to EDPRP/Settlement (mark with x) ent does not meet the	iew date (May 9, 2012) t t). t Offer e good faith criteria for	o the Subtotal	\$0
	orts to Com	annual single event terly events are Extraordinary Ordinary N/A Notes	O.0% Before NOV X The Responde	Reduction NOV to EDPRP/Settlement (mark with x) ent does not meet the this violation \$2,564	e good faith criteria for i. Violation	Subtotal Test	\$2,000

		Economic	: Benefit	Wor	ksheet		
Case ID No.	44981	ter and Sewer Se	rvice Supply Cor	poration	an en kin di aktori ngaybankhi findi	in in in die eer voor de gegengische Sternetes	ered verestry silver in the control of
Reg. Ent. Reference No. Media Violation No.	Water Quality					Percent Interest	Years of Depreciation
		<u>Boggregaern og god.</u>				5.0	15
	Ttem Cost	Date Required	Einal Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description		(B) (B) in the sign of the beauty of the					
Delayed Costs							
Equipment	\$11.000	2-Feb-2010	30-Apr-2013	3.33	\$122	\$2,442	\$2,564
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal		ļ		0.00	\$0	n/a	\$0
Permit Costs	<u> </u>			0.00	\$0	n/a	\$0
Other (as needed)		<u> </u>	1	0.00	\$0	n/a maintain accurate re	\$0
Notes for DELAYED costs	volume of eff appropriate co	fluent applied to to to over crop. Date r	he land applicati equired is the da	on area, in te the per compliar	nstall permanent to rmit was issued. F nce.	ransmission lines, ar inal date is the antic	nd to plant an cipated date of
Avoided Costs	ANNUA	LIZE [1] avoide	ed costs before	entering	item (except fo	one-time avoide	d costs)
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]		<u> </u>		0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]		<u></u>		0.00	\$0	\$0	\$0
Other (as needed)		<u> </u>		0.00	1 \$0	\$0 <u> </u>	\$0
Notes for AVOIDED costs						4,44,	
Approx. Cost of Compliance		\$11,000			TOTAL		\$2,564

	ening Date	•			2012-1869-MWD-E		PCW
	The second secon		and Sewer Service :	Supply Corpora	ation	Policy Revision 2	(September 2002)
	Case ID No.					PCW Revisio	n October 30, 2008
Reg. Ent. Re							00000
	a [Statute]						
	** *** ***** ***** * ***** * ***** * ****	Heather Brister					Your
Viol	ation Number			***************************************	The state of the second st		
	Rule Cite(s)	30 Tex. Admin. (EQ Permit No. WQ0014	1942001,	200
			Special	Provisions No.	18		A COMPANY
Violatio	n Description	pond liner mee documented du liner certifications	ets the appropriate or ring a record review for the two existing	criteria within 4 v conducted on g storage pond:	Professional Engineer 45 days of permit issual May 9, 2012. Specific s and the facultative la ys of permit issuance.	nce, as ally, the	
					Base	e Penalty	\$10,000
>> Environme	-t-l Bno-		. Naalth Matrix	•			
>> Environme	iitai, Fropei	ty and riuman	Harm	•			***************************************
	Release	Major I	Moderate Mino	r			200
OR	Actual						***
	Potential				Percent 0%		POTENTIAL
							and the second
>>Programma							apparation of the state of the
	Falsification		Moderate Mino	<u>r</u>	2		
	L	1 × L			Percent 10%		
	f						
Matrix		1000	/ of the rule require		mat		
Notes		100%	% of the rule require	ement was not	met.	1	1

					djustment	\$9,000	
					wjustnem	\$5,000	
							\$1,000
Violation Even	ts						and the same of th
	Number of \	Violation Events	3	107	Number of violation	dave	
	Nulliber of V	Molacion Events		107	Multiper of violation	uays	2000000
	mark only one with an x	daily weekly monthly quarterly semiannual annual single event	x		Violation Base	e Penaity	\$3,000
			and difficulting (Toleran p. 1				
	Three s	single events are re	commended, one fo	or each pond a	nd the facultative lagor	on.	and the second s
	L						and to come
^			0.00/ 15 4 44				\$0
Good Faith Eff	orts to Com		0.0% Reduction Before NOV NOV to ED	on OPRP/Settlement (Offer	L	
		Extraordinary	selore NOV NOV to Et	PRP/Settlement C	7		00000
		Ordinary			=		***
			- / /manula mite	h)			
		N/A	X (mark with	n x)			
		Notes	ne Respondent does	not meet the this violation.	good faith criteria for		***************************************
					Violation	Subtotal	\$3,000
					· · · · · · · · · · · · · · · · · · ·		42,000
Economic Bene	efit (EB) for	this violation			Statutory Limit	Test	
	Estimate	ed EB Amount	<u> </u>	448	Violation Final Pena	alty Total	\$3,210
			This violation E	inal Accoccoé	i Penalty (adjusted fo	or limite)	\$3,210
			i ilis viviativil Fi	a. A355350	chaity (aujusteu ii	. mms/	\$3,210

Media Violation No.	RN102329695 Water Quality 3					Percent Interest	Years of Depreciation
	****		Final Page			5.0 Onetime Costs	1 EB Amount
Item Description		Date Required	Final Date	115	Interest Saved	Unetime Costs	ED AMOUNT
					78990 TUTTI (1991 S TUTT TUTTI DE CASSO		
Delayed Costs	_			,			
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	#2.000	10 14 2010	31-May-2013	0.00 3.20	\$0 \$21	\$0 \$427	\$0 \$448
Engineering/construction	\$2,000	19-Mar-2010	31-May-2013	0.00	\$21 \$0	5427 n/a	\$446 \$0
Land Record Keeping System				0.00	\$0 \$0	n/a	\$0
Training/Sampling				0.00	\$0 \$0	n/a	\$0
		A					\$0
			l .		C (1)	AND THE RESIDENCE OF THE PARTY	
Remediation/Disposal				0.00	\$0 \$0	r/a	·····
	Estimated	cost to have a Te	xas Licensed Pro	0.00	\$0 \$0	y that the pond linin	\$0 \$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs	appropriate	criteria. Date re	quired is the dat anticipate	0.00 0.00 ofession te the p	\$0 \$0 al Engineer certification of liner certification of compliance.	y that the pond linin tions were due. Fin	\$0 \$0 g meets the al date is the
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs	appropriate	criteria. Date re	quired is the dat anticipate	0.00 0.00 ofession te the ped date	\$0 \$0 al Engineer certification of liner certification of compliance.	y that the pond linin tions were due. Fin	\$0 \$0 g meets the al date is the
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal	appropriate	criteria. Date re	quired is the dat anticipate	ofession te the ped date	\$0 \$0 al Engineer certification of liner certification of compliance.	y that the pond linin tions were due. Fin for one-time avoid	\$0 \$0 g meets the al date is the led costs) \$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	appropriate	criteria. Date re	quired is the dat anticipate	o.oo ofession te the ped date offession offess	\$0 \$0 al Engineer certification of liner certification of compliance. g item (except \$0 \$0	y that the pond linin tions were due. Fin	\$0 \$0 g meets the al date is the led costs) \$0 \$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling	appropriate	criteria. Date re	quired is the dat anticipate	ofession te the ped date enterin 0.00 0.00 0.00 0.00	\$0 \$0 al Engineer certification of liner certification of compliance. g item (except \$0 \$0 \$0	y that the pond linin tions were due. Fin	\$0 \$0 g meets the al date is the led costs) \$0 \$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment	appropriate	criteria. Date re	quired is the dat anticipate	ofession te the ped date	\$0 \$0 al Engineer certification of liner certification of compliance. g item (except 1) \$0 \$0 \$0 \$0 \$0	y that the pond linin tions were due. Fin for one-time avoid \$0 \$0 \$0 \$0	\$0 \$0 g meets the al date is the led costs) \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	appropriate	criteria. Date re	quired is the dat anticipate	0.00 0.00 ofession the ped date enterin 0.00 0.00 0.00 0.00	\$0 \$0 al Engineer certification of compliance. g item (except 150 \$0 \$0 \$0 \$0 \$0	y that the pond linin tions were due. Fin for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 g meets the al date is the led costs) \$0 \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment	appropriate	criteria. Date re	quired is the dat anticipate	ofession te the ped date	\$0 \$0 al Engineer certification of liner certification of compliance. g item (except 1) \$0 \$0 \$0 \$0 \$0	y that the pond linin tions were due. Fin for one-time avoid \$0 \$0 \$0 \$0	\$0 \$0 g meets the al date is the led costs) \$0 \$0 \$0

Screening Date		PCW
	· · · · · · · · · · · · · · · · · · ·	olicy Revision 2 (September 2002)
Case ID No		PCW Revision October 30, 2008
Reg. Ent. Reference No		***************************************
Media [Statute	-	***************************************
Enf. Coordinato		***************************************
Violation Numbe	P	
Rule Cite(s	30 Tex. Admin. Code § 305.125(1) and TCEQ Permit No. WQ0014942001, S Provisions No. 4	special
	FIOVISIONS NO. 4	
Violation Description	Failed to submit a summary submittal letter within 60 days of the permit iss as documented during an investigation conducted on October 4, 2011 and a review conducted on May 9, 2012. Specifically, TCEQ Permit No. WQ00149 was issued on February 2, 2010, and the letter was due by April 3, 201	record 42001
	Base F	Penalty \$10,000
>> Environmental, Prope	rty and Human Health Matrix	
	Harm	
Releas		
OR Actua		
Potentia	Percent 0%	
>>Programmatic Matrix Falsification	Major Moderate Minor	
raisincatori	x Percent 10%	
<u> </u>	1070 1070 1070 1070 1070 1070 1070 1070	3
Matrix	100% of the rule requirement was not met.	
Notes	200 to of the fate fequilities was not met.	
<u> </u>		
	Adjustment	\$9,000
-		\$1,000
Violation Events		
Number of	Violation Events 1 874 Number of violation da	vs
Number of	Violation Events 1 874 Mulliber of Violation da	ys
mark only one with an x	daily weekly monthly quarterly semiannual annual single event X	Penalty \$1,000
	One single event is recommended.	
	one single event is recommended.	3
Good Faith Efforts to Con		\$0
	Before NOV NOV to EDPRP/Settlement Offer	
	Extraordinary	***
	Ordinary	***************************************
***************************************	N/A (mark with x)	***************************************
	Notes The Respondent does not meet the good faith criteria for this violation.	
	Violation Se	ubtotal \$1,000
Economic Benefit (EB) fo	r this violation Statutory Limit T	est
Estima	ted EB Amount \$15 Violation Final Penalt	y Total \$1,070
	This violation Final Assessed Penalty (adjusted for	limits) \$1,070
		and the second s

	E	conomic	Benefit	Wo	rksheet		
Case ID No.	44981	ter and Sewer Se	rvice Supply Co	rporati	on		
Reg. Ent. Reference No. Media Violation No.	Water Quality					Percent Interest	Years of Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction		ļ		0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0 \$0
Training/Sampling				0.00	\$0 \$0	n/a n/a	\$0 \$0
Remediation/Disposal Permit Costs			· · · · · · · · · · · · · · · · · · ·	0.00	\$0	Wa Wa	\$0 \$0
Other (as needed)	\$100	3-Apr-2010	31-Mar-2013		\$15	n/a	\$15
Notes for DELAYED costs	Section. Da	te required is the	date the letter	was du	ie. Final date is th	the TCEQ Wastewat e anticipated date o for one-time avoic	f compliance.
Avoided Costs Disposal	ANNUAL	TYE [1] avoided	COSES DEIDIE	0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0 \$0	\$0 \$0
Inspection/Reporting/Sampling				0.00	\$0	\$0 \$0	\$0
Supplies/equipment			W. W. J. W.	0.00	\$0	\$0 \$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00		\$0	\$0
Notes for AVOIDED costs							
Approx. Cost of Compliance		\$100			TOTAL		\$15

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



CEQ Compliance History Report

PUBLISHED Compliance History Report for CN601229743, RN102329695, Rating Year 2011 which includes Compliance History (CH) components from September 1, 2006, through August 31, 2011.

Customer, Respondent, CN601229743, Whitharral Water and Sewer Service Supply Corporation

Classification: AVERAGE

Rating: 3.00

or Owner/Operator: Regulated Entity:

RN102329695, WHITHARRAL WATER

Classification: AVERAGE

Rating: 3.00

Complexity Points:

Repeat Violator: NO

CH Group:

08 - Sewage Treatment Facilities

SEWER SERVICE SUPPLY WWTP

Location:

LOCATED APPROXIMATELY 2,400 FEET EAST OF UNITED STATES HIGHWAY 385 AND 2,400 FEET SOUTH OF

FIRST STREET IN WHITHARRAL, HOCKLEY COUNTY, TEXAS

TCEQ Region:

REGION 02 - LUBBOCK

ID Number(s):

WASTEWATER PERMIT WQ0014942001

Compliance History Period: September 01, 2006 to August 31, 2011

Agency Decision Requiring Compliance History: Enforcement

Rating Year: 2011

Rating Date: 09/01/2011

Date Compliance History Report Prepared: January 25, 2013

Component Period Selected: January 25, 2008 to January 25, 2013

TCEO Staff Member to Contact for Additional Information Regarding This Compliance History.

Phone: (254) 761-3034 Name: Heather Brister

Site and Owner/Operator History:

1) Has the site been in existence and/or operation for the full five year compliance period?

YES

2) Has there been a (known) change in ownership/operator of the site during the compliance period?

NO

3) If YES for #2, who is the current owner/operator?

N/A

4) If YES for #2, who was/were the prior

N/A

owner(s)/operator(s)?

5) If **YES**, when did the change(s) in owner or operator N/A

occur?

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

N/A

B. Criminal convictions:

C. Chronic excessive emissions events:

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	June 05, 2009	(748195)
Item 2	June 16, 2009	(749579)
Item 3	December 01, 2009	(783735)
Item 4	November 09, 2011	(962202)
Item 5	April 17, 2012	(997652)
Item 6	May 16, 2012	(1002276)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1 Date: **06/09/2009** (748195) CN601229743

Self Report? NO Classification: Major

Citation: Permit Condition 4. c. PERMIT

TWC Chapter 26 26.121

Description: Failure to obtain required permit authorization as required.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Effluent Limitations A. PERMIT

Description: Failure to meet effluent Biochemical Oxygen Demand and pH limitations as

required by permit No. WQ0013818001.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Special Provision 3. PERMIT

Description: Failure to maintain treatment / storage ponds in regards to proper vegetation

control of cattails and woody shrubs / trees.

2 Date: **11/11/2011** (962202) CN601229743

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(5)

Operational Requirement 4. PERMIT

Description: Failure to provide adequate safeguards to prevent the discharge of untreated or

inadequately treated wastes during electrical power failures as required by Permit

No. WQ0014942001 Operational Requirement 4.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Monitoring Requirement 5. PERMIT Operational Requirement 1. PERMIT

Description: Failure to provide a functional flow meter with annual calibration to measure

influent flow from the main lift station, as required by Permit No.

WQ0014942001.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Conditions of the Permit. A. PERMIT

Description: Failure to meet effluent quality limitations regarding Biochemical Oxygen Demand

(BOD) and pH, as specified by Permit No. WQ0014942001 Effluent Limitations.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Monitoring Requirement 7(c). PERMIT

Description: Failure to report effluent violations which deviate from the permitted effluent

limitation by more than 40%, as required by Permit No. WQ0014942001

Monitoring Requirement 7(c).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Special Provision 16 PERMIT

Description: Failure to provide and maintain an irrigation system, as required by Permit No.

WQ0014942001.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Operational Requirement 1. PERMIT

Description: Failure to maintain the facultative lagoon and storage ponds in regards to

vegetation control, as required by Permit No. WQ0014942001 Operational

Requirement 1.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Special Provision 12. PERMIT

Description: Failure to maintain the land application area and provide cover crops for effluent

and nutrient uptake as required by Permit No. WQ0014942001.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Special Provision 18 PERMIT

Description: Failure to provide a liner certification document for the two existing storage ponds

and facultative lagoon, as required by Permit No. WQ0014942001 Special Provision 18. No liner certification was available for review during the

investigation.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Special Provision 4 PERMIT

Description: Failure to submit a summary submittal letter to the TCEQ Wastewater Permitting

Section of the Water Quality Division within 60 days of permit issuance, as required by Permit No. WQ0014942001. The facility was unable to locate any documentation of the required submittal letter for review during the investigation.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 217, SubChapter M 217.328(c)

Description: Failure to provide an intruder resistant fence surrounding the wastewater

treatment ponds, as required by Chapter 217.328(c).

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	8	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	
WHITHARRAL WATER AND	§	TEXAS COMMISSION ON
SEWER SERVICE SUPPLY	§	
CORPORATION	§	
RN102329695	§	ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2012-1869-MWD-E

I. JURISDICTION AND STIPULATIONS

On ________, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Whitharral Water and Sewer Service Supply Corporation ("Respondent") under the authority of Tex. Water Code chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

- 1. The Respondent owns and operates a wastewater treatment plant located approximately 2,400 feet east of United States Highway 385 and 2,400 feet south of First Street in Whitharral, Hockley County, Texas (the "Facility").
- 2. The Respondent has committed any other act or engaged in any other activity which in itself or in conjunction with any other discharge or activity causes, continues to cause, or will cause pollution of any water in the state under Tex. Water Code ch. 26.
- 3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
- 4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about May 21, 2012.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Nineteen Thousand Seven Hundred Ninety-Five Dollars (\$19,795) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Revenue Operations Section of the Commission's Financial Administration Division reviewed financial documentation submitted by the Respondent and determined that the Respondent is unable to pay part of the administrative penalty. Therefore, Sixteen Thousand One Hundred Ninety-Five Dollars (\$16,195) of the penalty is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The Respondent has paid One Hundred Dollars (\$100) of the undeferred administrative penalty. The remaining amount of Three Thousand Five Hundred Dollars (\$3,500) of the administrative penalty shall be payable in 35 monthly payments of One Hundred Dollars (\$100) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

- 7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 Tex. ADMIN. CODE § 70.10(a).
- 9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
- 10. The Executive Director Recognizes that by March 18, 2013, the Respondent installed an intruder-resistant fence at the Facility.
- 11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have:

- 1. Failed to maintain adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures, in violation of 30 TEX. ADMIN. CODE § 305.125(5) and TCEQ Permit No. WQ0014942001, Operational Requirements No. 4, as documented a record review conducted on May 9, 2012.
- 2. Failed to provide and maintain an adequate irrigation system which includes adequate equipment to determine the application rate and appropriate cover crops to prevent ponding of effluent or to prevent contamination of ground and surface waters, in violation of 30 Tex. Admin. Code § 305.125(1) and TCEQ Permit No. WQ0014942001, Special Provisions Nos. 6 and 7, as documented during a record review conducted on May 9, 2012. Specifically, no irrigation system is in place for the Facility and a cover crop has not been planted and maintained.
- 3. Failed to provide certification by a Texas Licensed Professional Engineer that the pond liner meets the appropriate criteria within 45 days of permit issuance, in violation of 30 Tex. Admin. Code § 305.125(1) and (5) and TCEQ Permit No. WQ0014942001, Special Provisions No. 18, as documented during a record review conducted on May 9, 2012. Specifically, the liner certifications for the two existing storage ponds and the facultative lagoon were not submitted to the TCEQ within 45 days of permit issuance.
- 4. Failed to submit a summary submittal letter within 60 days of the permit issuance, in violation of 30 Tex. ADMIN. CODE § 305.125(1) and TCEQ Permit No. WQ0014942001, Special Provisions No. 4, as documented during a record review conducted on May 9, 2012. Specifically, TCEQ Permit No. WQ0014942001 was issued on February 2, 2010, and the letter was due by April 3, 2010.
- 5. Failed to provide an intruder-resistant fence surrounding the wasteater treatment ponds, in violation of 30 Tex. Admin. Code § 217.328(c)(2), as documented during a record review conducted on May 9, 2012. Specifically, the chain-link fence is not topped with three strands of barbed-wire and does not meet the requirements of an intruder-resistant fence.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Whitharral Water and Sewer Service Supply Corporation, Docket No. 2012-1869-MWD-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, submit the summary submittal letter to the TCEQ Wastewater Permitting Section to the following address:

Application Review and Processing Team Water Quality Division, MC 148 Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

- b. Within 45 days after the effective date of this Agreed Order, submit certification of compliance with Ordering Provision No. 2.a, in accordance with Ordering Provision No. 2.g, below;
- c. Within 60 days after the effective date of this Agreed Order:
 - i. Install equipment to determine the application rate of effluent applied to the land application area and install permanent transmission lines;
 - ii. Establish and maintain an appropriate cover crop throughout the land application area, in accordance with TCEQ Permit No. WQoo14942001, Special Provisions No. 7; and
 - iii. Begin maintaining accurate records of the volume of effluent applied to the land application area.
- d. Within 75 days after the effective date of this Agreed Order, submit certification of compliance with Ordering Provisions Nos. 2.c.i through 2.c.iii, in accordance with Ordering Provision No. 2.g, below;

- e. Within 90 days after the effective date of this Agreed Order:
 - i. Provide adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures, in accordance with TCEQ Permit No. WQoo14942001, Operational Requirements No. 4;
 - ii. Submit liner certifications from a Texas Licensed Professional Engineer for the two existing storage ponds and the facultative lagoon, as specified in TCEQ Permit No. WQoo14942001, Special Provisions No. 18; or
 - iii. If liner certifications from a Texas Licensed Professional Engineer cannot be provided, implement TCEQ Permit No. WQoo14942001, Special Provisions No. 19, Alternative I or Alternative II.
- f. Within 105 days after the effective date of this Agreed Order, submit certification of compliance with Ordering Provisions Nos. 2.e.i through 2.e.iii, in accordance with Ordering Provision No. 2.g, below; and
- g. The certification of compliance required by Ordering Provisions Nos. 2.b, 2.d, and 2.f, shall be notarized by a State of Texas Notary Public and include the following certification language and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Water Section, Manager Lubbock Regional Office Texas Commission on Environmental Quality 5012 50th Street, Suite 100 Lubbock, Texas 79414-3421

- 3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- This Agreed Order may be executed in separate and multiple counterparts, which 7. together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
- 8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	
For the Executive Director	915114 Date
I, the undersigned, have read and understand the a agree to the attached Agreed Order on behalf of the do agree to the terms and conditions specified therei accepting payment for the penalty amount, is material	entity indicated below my signature, and In. I further acknowledge that the TCEQ, in
 I also understand that failure to comply with the and/or failure to timely pay the penalty amount, may A negative impact on compliance history; Greater scrutiny of any permit applications su Referral of this case to the Attorney General additional penalties, and/or attorney fees, or to the Increased penalties in any future enforcements. Automatic referral to the Attorney General's and TCEQ seeking other relief as authorized by law In addition, any falsification of any compliance documents. 	britted; cal's Office for contempt, injunctive relief to a collection agency; actions; Office of any future enforcement actions; w.
Signature prosident	5-22-2014 Date
Name (Printed or typed) Authorized Representative of Whitharral Water and Sewer Service Supply Corporate	President Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.